

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

GARTH HIRE (CABN 187330)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612
Telephone: (510) 637-3929
Facsimile: (510) 637-3724
E-Mail: Garth.Hire@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-00353 DLJ
)	
Plaintiff,)	UNITED STATES' INFORMATION FOR
)	INCREASED PUNISHMENT BY
v.)	REASON OF PRIOR FELONY DRUG
)	CONVICTION UNDER 21 U.S.C. § 851
)	
DEANDRI MARQUIS BILLY)	
MILLARD,)	
)	
Defendant.)	

INFORMATION

Pursuant to the provisions of 21 U.S.C. § 851, the United States Attorney files this
Information alleging that:

1. The defendant, Deandri Marquis Billy Millard, was convicted on or about May 3,
2007, in the Superior Court of California, County of Contra Costa, Case Number 02-287927-8,
of a felony violation of Section 11350(b) of the California Health and Safety Code, specifically,
possession of methaqualone. Attached as Exhibit 1 are court documents establishing this
conviction.


1 2. Because of this prior felony drug conviction, the defendant is subject to
2 increased punishment pursuant to the provisions of 21 U.S.C. §§ 841(b)(1)(A) and 851
3 if he is convicted of the violation of 21 U.S.C. § 841(a)(1), distribution of cocaine base in the
4 form of crack cocaine, as charged in Count One of the Indictment filed on May 28, 2008, namely,
5 a mandatory minimum 20-year term of imprisonment; a fine not to exceed \$8,000,000; and a
6 mandatory minimum 10-year term of supervised release.

7 3. The United States Attorney hereby gives notice to the defendant and his
8 counsel that if the defendant is convicted of Count One of the Indictment, the United States
9 intends to rely on his prior felony drug conviction in seeking enhanced punishment at the time of
10 sentencing pursuant to the provisions referenced herein.

11
12 JOSEPH P. RUSSONIELLO
13 United States Attorney

14 Dated: 7/24/08

15 
16 W. DOUGLAS SPRAGUE
17 Chief, Oakland Branch

18 (Approved as to form: 

19 AUSA GARTH HIRE
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EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA
RICHMOND

THE PEOPLE OF THE STATE OF CALIFORNIA,

VS.

DEANDRI MARQUISE MILLARD,
DEFENDANT./

NO. 287927-8
DA NO. R 05 008451-7
COMPLAINT - FELONY

- 01) H&S 11351.5
- 02) H&S 11352(a)
- 03) H&S 11379(a)
- 04) CVC 14601.1

5) 11350(b) F

M

The undersigned states, on information and belief, that DEANDRI MARQUISE MILLARD, Defendant, did commit a felony, a violation of HEALTH AND SAFETY CODE SECTION 11351.5 (POSSESSING COCAINE BASE FOR SALE), committed as follows:

On or about July 23, 2005, at El Cerrito, in Contra Costa County, the Defendant, DEANDRI MARQUISE MILLARD, did unlawfully possess for sale and purchase for purposes of sale Cocaine Base, a controlled substance.

COUNT TWO:

The undersigned further states, on information and belief, that DEANDRI MARQUISE MILLARD, Defendant, did commit a felony, a violation of HEALTH AND SAFETY CODE SECTION 11352(a) (SELLING/TRANSPORTING CONTROLLED SUBSTANCE), committed as follows:

On or about July 23, 2005, at El Cerrito, in Contra Costa County, the Defendant, DEANDRI MARQUISE MILLARD, did unlawfully transport, import into the State of California, sell, furnish, administer, and give away, and did unlawfully offer and attempt to transport, import, sell, furnish, administer, and give away Cocaine Base, a controlled substance.

THE FOREGOING INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST: MAY 23 2008

CLERK OF THE COURT
SUPERIOR COURT IN THE COUNTY OF CONTRA COSTA
CLERK OF COURT, RICHMOND
By _____ Clerk

MILLARD-0049

PEOPLE V. DEANDRI MARQUISE MILLARD

PAGE 2

NO. 287927-8

DA NO. R 05 008451-7

COUNT THREE:

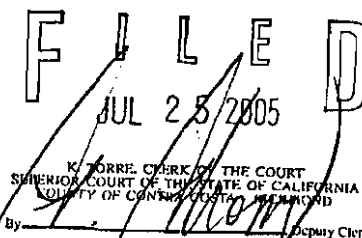
The undersigned further states, on information and belief, that DEANDRI MARQUISE MILLARD, Defendant, did commit a felony, a violation of HEALTH AND SAFETY CODE SECTION 11379(a) (SELLING/DISTRIBUTING/TRANSPORTING CONTROLLED SUBSTANCE), committed as follows:

On or about July 23, 2005, at El Cerrito, in Contra Costa County, the Defendant, DEANDRI MARQUISE MILLARD, did unlawfully transport, import into the State of California, sell, furnish, administer, and give away Methamphetamine, a controlled substance, and did unlawfully offer and attempt to transport, import into the State of California, sell, furnish, administer, and give away Methamphetamine.

COUNT FOUR:

The undersigned further states, on information and belief, that DEANDRI MARQUISE MILLARD, Defendant, did commit a misdemeanor, a violation of VEHICLE CODE SECTION 14601.1 (SUSPENDED OR REVOKED LICENSE), committed as follows:

On or about July 23, 2005, at El Cerrito, in Contra Costa County, the Defendant, DEANDRI MARQUISE MILLARD, did unlawfully drive a motor vehicle when His driving privilege was suspended or revoked for a reason other than those listed in section 14601(1) and 14601.2 of the Vehicle Code and with knowledge of such suspension and revocation.



COMPLAINANT REQUESTS THAT DEFENDANT(S) BE DEALT WITH ACCORDING TO LAW. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: July 25, 2005

AT RICHMOND, CALIFORNIA


STACEY GRASSINI/pl
DEPUTY DISTRICT ATTORNEY


OFFICER P. KEITH
COMPLAINANT

EL CERRITO POLICE DEPARTMENT

MILLARD-0050

NOTICE, SENTENCE, COMMITMENT FORM

CLERK'S DOCKET AND MINUTES

DEFENDANT MILLARD, DEANDRI MARQUISE DEPT. 027 DATE 10/20/2005 PA RATE-H
 ADDRESS 142 CHINOCURPIN COURT HERCULES CA 94567 TIME 1:30 PM
 ROC SET FEL PROB DEFENSE ATTORNEY PD-ZAMBRAN DOB 03/23/1964
 CUSTODIAL STATUS SECOND \$30,000 TIME WAIVED
 CHARGES 01 F H&S 11351.5 02 F H&S 11352(a) 03 F H&S 11379(a)
04 F CVC 14801.1

JUDGE PETER A. BERGER Sugiyama COURT REPORTER L. Contestable DEPUTY CLERK R. Spears MINUTES CERTIFIED CORRECT
 ASSIGN. TO DEPT. 27 JUDGE PETER A. BERGER COURT REPORTER L. Contestable DEPUTY CLERK R. Spears

APPLICABLE ENTRIES MARKED

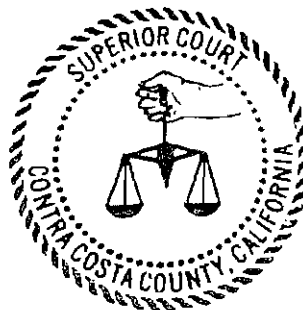
<input type="checkbox"/> Def. proceeds in PRO PER <input checked="" type="checkbox"/> Def. appears <input type="checkbox"/> In custody <input type="checkbox"/> Def. not appearing <input checked="" type="checkbox"/> Withby Atty./POB. Def./ADO <u>Zambrana</u> <input checked="" type="checkbox"/> Deputy Dist. Atty. <u>Davis</u> <input type="checkbox"/> Court Probation Off. <input type="checkbox"/> Interp. <u>sworn/oath on file</u> <input type="checkbox"/> Cert. <input type="checkbox"/> Non-Cert. <input type="checkbox"/> Qualified per Rule 994.2 <input type="checkbox"/> Order <u>Int.</u> <input type="checkbox"/> Int. Coord. notified	<input type="checkbox"/> Answers true name as charged <input type="checkbox"/> Waives Att./reading of Complaint <input type="checkbox"/> Handed copy of Complaint/Discovery <input checked="" type="checkbox"/> Def. duly arr. <input type="checkbox"/> Video <input type="checkbox"/> on Prob. Vlo. <input type="checkbox"/> Def. waives arr. on amended complaint.	<input type="checkbox"/> Bench/Arrest Warrant to Issue Bail Set at \$ _____ <input type="checkbox"/> Recalled <input type="checkbox"/> Set Aside <input type="checkbox"/> Remain Out <input type="checkbox"/> No PTA Release <input type="checkbox"/> No Vol. App. <input type="checkbox"/> Hold until _____ <input type="checkbox"/> Bail forfeit & continued 180 days <input checked="" type="checkbox"/> Bail Exon <input type="checkbox"/> Bail forfeiture set aside & reinstated upon payment of fee \$ _____.
<input type="checkbox"/> Referred To: PUBLIC DEFENDER <input type="checkbox"/> Referred To: PROB. Bail Study/PPR <input type="checkbox"/> Referred per <input type="checkbox"/> 288.1 PC <input type="checkbox"/> 1368 PC <input type="checkbox"/> Adult Pre-Trial/PC 1000 Diversion eligibility <input type="checkbox"/> Pub. Def. Conflict Filed; Appointed ADO <input type="checkbox"/> Report to _____ for booking <input checked="" type="checkbox"/> 977 waiver filed <input type="checkbox"/> 170.6 PC filed/oral <input type="checkbox"/> In re law notice given	<input checked="" type="checkbox"/> Written Plea filed <input type="checkbox"/> Pleads Guilty, Ct.# _____ <input checked="" type="checkbox"/> Pleads No Contest, Found Guilty, Ct.# <u>5, 6</u> <input type="checkbox"/> Pleads Not Guilty, Ct.# _____ <input type="checkbox"/> Jury Trial Waived/Demanded <input type="checkbox"/> Time for Trial/Sent: Waived/Not Waived <input type="checkbox"/> Time for PX 10/60 Days Waived/Not Waived <input type="checkbox"/> Admit/Denies _____ Priors/Refusal/Enhance	<input checked="" type="checkbox"/> Court Probation granted for _____ months <input checked="" type="checkbox"/> Adult Pre-Trial/PC 1000 Diversion granted <input type="checkbox"/> Probation/Diversion/Reinstated/Modified/Extended to _____ Original terms in full force and effect except as ordered. <input type="checkbox"/> Def. given/waived rights to Revoc. Hg; Admits/Denies allegations <input type="checkbox"/> Prob. Revoked: <input type="checkbox"/> Def. found in violation of probation <input type="checkbox"/> Probation/Diversion: Terminated: Successfully/Unsuccessfully/Denied <input type="checkbox"/> Pay Prob. Vlo. fine of \$ _____ <input type="checkbox"/> Upon payment of fine/completion of jail sentence <input type="checkbox"/> Criminal Proceedings Reinstated/Dismissed
<input type="checkbox"/> Pea/Def. Motion to/for/cont. _____ <input type="checkbox"/> Submitted with argument <input type="checkbox"/> without argument <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Submitted <input type="checkbox"/> No Action Taken <input type="checkbox"/> Grounds: _____ <input type="checkbox"/> D.A. Motion to file amended complaint <input checked="" type="checkbox"/> Complaint amended on its face to add Ct.# <u>5, 6</u> a violation of section <u>H&S 11350(b) Fel</u> <u>H&S 11350(b) Fel</u> <input type="checkbox"/> Pursuant to 23103.5CVC <input type="checkbox"/> Strike the words felony and feloniously. Substitute the word misdemeanor wherever it appears in Complaint. <input checked="" type="checkbox"/> Per Court/DA dismissal, Complaint/Ct.# <u>1, 2, 3, 4</u> <input type="checkbox"/> Criminal Protective Order issued and served		

<input type="checkbox"/> Pay a fine of \$ _____ <input type="checkbox"/> Rest. Fine of _____ <input type="checkbox"/> Pay \$10 cte fee/\$25 Booking Fee/ \$ _____ CJA Fee <input type="checkbox"/> Pay balance of fine/ <input type="checkbox"/> In lieu of fine <input type="checkbox"/> Susp. \$ _____ after fine. <input type="checkbox"/> Make monthly payments to CCU P.O. Box 2528 Martinez, CA 94553 Phone (925) 648-1951 by _____ <input type="checkbox"/> _____ hours Volunteer work by _____ Fee \$ _____ <input type="checkbox"/> Re-refers/reinstates to Level I/Level II/PCDDP <input type="checkbox"/> Referred to ORC for Attorney Fee Costs of \$ _____ <input type="checkbox"/> License Suspended/Revoked _____ months/years <input type="checkbox"/> DL310/DL309 Served <input type="checkbox"/> Advised 14807.8 CVC <input type="checkbox"/> Pay fine/comply or appear on _____ at _____	<input type="checkbox"/> Be Imprisoned _____ days/months/years <input type="checkbox"/> _____ days/months/years credit <input type="checkbox"/> _____ days/months/years suspended <input type="checkbox"/> Sentence to commence _____ <input type="checkbox"/> Serve consecutive/concurrent <input type="checkbox"/> with _____ <input type="checkbox"/> with any sentence <input type="checkbox"/> Main Jail <input type="checkbox"/> Electronic Home Detention <input type="checkbox"/> WAP Contact CAB immediately / within 15 days. <input type="checkbox"/> Day for day credit for time served in approved residential program. Proof by _____	<input type="checkbox"/> Obey all laws. <input type="checkbox"/> Do not use any alcohol. Do not go to places where alcoholic beverages are the chief item of sale. <input type="checkbox"/> Attend _____ AA/NA meetings per week and present proof at each court appearance. <input type="checkbox"/> Submit to search and testing <input type="checkbox"/> Destroy <input type="checkbox"/> Return weapon <input type="checkbox"/> Stay away from _____
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☐ REMANDED to County Jail: ☐ Ordered released ☐ On OR ☐ Promise to Appear ☐ Def. to be allowed _____ phone calls
 Bail Set in the amt. of \$ _____ ☐ Court Courtesy ☐ State Prison Commitment ☐ Committed to custody until sentence is satisfied in full

TO THE SHERIFF: COMMITMENT: I hereby certify that this is a true copy of the Entry of Judgment or Order and is your authority for the execution thereof.
☐ See other minute pages for additional proceedings.

DATED: _____ John H. Sugiyama (JUDGE OF THE SUPERIOR COURT) CRIM. MINUTES (4/01)
 CR-2005



THE FOREGOING INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST MAY 15 2008

K. TORRE, CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

By *[Signature]*, Deputy Clerk

Superior Court of California, County of Contra Costa

FELONY ORDER OF PROBATION

DEFENDANT MILLARD, DeANDRI MARQUIS ☐ CONCORD ☐ MARTINEZ ☐ PITTSBURG ☒ RICHMOND ☐ WALNUT CREEK
 The above named defendant having been convicted in this court of the offense(s) of CVC 2600.2(a), H&S 11350(b), H&S 11350(b)(2), CVC 2600.2(a) DEPT: 12
 IT IS ORDERED THAT: ☒ imposition ☐ execution of sentence be suspended during period of probation with the following terms and conditions:

TERMS OF PROBATION: (Applicable Items Checked): ☒

1. ☐ STATE PRISON - EXECUTION SUSPENDED - Fixed Term of: _____ yrs/months California Department of Corrections.
☐ FORMAL PROBATION GRANTED: Conditional and revocable release in community with Probation supervision except as specified by the Court.
☒ COURT PROBATION GRANTED: Conditional and revocable release in community without Probation supervision except as specified by the court.
 For a period of 2 months/yr from the date of this order.
☒ STANDARD TERMS (see reverse for standard terms and additional instructions)
2. ☐ REVIEW DATE: _____
☐ Defendant must appear in Court.
☐ Defendant need not appear unless directed by DPO.
- JAIL/FINE/VOLUNTEER WORK/ RESTITUTION
3. ☒ Be IMPRISONED 365 hrs (days) months
☒ 10 hrs (days) months Credit.
☐ _____ hrs / days / months suspended.
☒ Sentence to commence 6/3/07 5:00 pm
☒ Serve ~~consecutive~~ / concurrent with probation
☐ any imposed sentence.
☐ Other _____
☒ Main Jail ☐ Work Alternative Program
☐ Electronic Home Detention ☐ in _____ County allowed.
☐ Contact Custody Alternative Bureau (CAB) within 15 days
☐ Remain in custody in the Contra Costa County Jail pending possible release by the Probation Officer to a residential treatment program and balance of remaining jail sentence be suspended.
☐ Day for day ☐ No credit for time served in approved residential program unless successfully completed.
☒ OTHER: \$2000 S.P. per count
4. ☐ Pay a FINE of \$ _____
☒ Suspend payment of \$ 200.00 (Revocation)
☒ Pay RESTITUTION FINE of \$ 200.00
☒ Make monthly installments to Court Collections & Compliance Unit.
 Complete payments by 2 years upon release from custody
☐ Pay to Clerk of Court by _____
☐ Probation to terminate upon payment of fine/completion of jail sent.
☐ _____ days jail concurrent / consecutive in lieu of fine.
☐ OTHER: _____
5. ☐ Perform _____ hrs VOLUNTEER COMMUNITY SERVICE
☐ In lieu of fine ☐ OTHER: _____
☐ Show proof of completion to Court or DPO by _____
6. ☐ Make RESTITUTION of \$ _____ to _____
☐ Make RESTITUTION as determined by the Probation Officer.
☐ Show proof of restitution to Court or DPO by _____
☐ Honor any civil judgments as a result of this conviction.
☐ OTHER: NO JAIL 1/1/00
7. ☒ Submit your person, place of residence, storage locker or any vehicle under your control to search and seizure at any time of day or night, with or without warrant, to any peace officer.
☐ for alcoholic beverages ☒ Drugs
8. ☒ Not use or possess any dangerous drugs, narcotics, or narcotic paraphernalia without prescription.

9. ☐ Not have checking or charge accounts, or possess, control or have custody of checks/credit cards except checks payable to you.
10. ☐ Do not own or possess or control any firearm or weapon.
11. ☐ Weapon ordered ☐ confiscated ☐ destroyed ☐ returned to _____
12. ☐ Do not annoy/harass/threaten/contact _____
13. ☐ Contact Probation Officer within 5 (five) days.
14. ☐ Cost of Probation \$ _____
15. ☐ Abstain from the use of alcoholic beverages.
16. ☒ Submit to drug/alcohol detection tests as directed by DPO or any peace officer and pay costs not to exceed ☐ \$10.00 ☐ _____
17. ☐ Not go places where alcoholic beverages are the chief item of sale.
18. ☐ Pay a laboratory analysis fee (H&S 11372.5) of \$ _____ and a drug education fee (H&S 11372.7) of \$ _____.
19. ☐ Not associate with _____ or with any individuals designated in writing by the Probation Officer.

PROGRAM TERMS

20. ☐ Register per ☐ H&S 11590 ☐ PC 457.1 ☐ PC 290
21. ☐ Submit to all tests and pay all fees as directed by DPO.
- 22a. ☐ Report to Post Conviction Drinking Driver's Program within 10 days and comply with its rules and fee requirements.
- 22b. ☐ Attend Domestic Violence Program.
23. ☐ Participate in counseling as directed by the Probation Officer and not leave or terminate program without permission.
24. ☐ OTHER: _____

ADDITIONAL TERMS

Submit DNA pursuant to PC 2916

Although not a condition of Probation, you are ordered to pay the following fees: ☐ \$25 Booking ☐ \$10 Cite ☐ CJA \$ _____
☐ Other fees \$ _____ ☐ Cost of Probation \$ _____ month
☐ Court security fee \$ _____

I HAVE READ AND RECEIVED A COPY OF THESE CONDITIONS OF PROBATION AND I UNDERSTAND AND AGREE TO PERFORM THEM AND UNDERSTAND THAT IF I FAIL TO DO SO, MY PROBATION MAY BE REVOKED AND I MAY BE SENTENCED TO JAIL OR SENTENCED AS OTHERWISE PROVIDED BY LAW.

DEFENDANT'S SIGNATURE

SOC. SEC. # _____

DOB _____

ADDRESS _____

CITY _____

ST _____

ZIP _____

HOME PH. (_____) _____

MSG. PH. (_____) _____

COMMITMENT: TO THE SHERIFF: I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE ENTRY OF JUDGMENT OR ORDER AND IS YOUR AUTHORITY FOR THE EXECUTION THEREOF.

JUDGE

5/3/07
 DATED
 5/3/07



THE FOREGOING INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST MAY 15 2008

K. TORRE, CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

By *[Signature]*, Deputy Clerk